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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,186	07/30/2003	Chih-Ching Hsien	PUSA030712	7089
7590 Chih-Ching Hsien 235 Chung-Ho Box 8-24 Taipei, TAIWAN		05/07/2007	EXAMINER CHOI, JACOB Y	
			ART UNIT 2885	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/634,186	Applicant(s) HSIEN, CHIH-CHING	
	Examiner Jacob Y. Choi	Art Unit 2885	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Objections

2. Claim 4 is objected to because they include reference characters which are not enclosed within parentheses.

Reference characters corresponding to elements recited in the detailed description of the drawings and used in conjunction with the recitation of the same element or group of elements in the claims should be enclosed within parentheses so as to avoid confusion with other numbers or characters which may appear in the claims. See MPEP § 608.01(m).

3. Claims 6 & 13 are objected to because of the following informalities: a broad range or limitation followed by linking terms (e.g., preferably, maybe, can be, can, for instance, especially) and a narrow range or limitation within the broad range or limitation is considered indefinite since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. Appropriate correction is required.
4. Claims 1-7, 9, 12 & 13 are objected to because of the following informalities: where applicant acts as his or her own lexicographer to specifically define a term of a

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claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). The term "*temperature sensing plate*" in claims 1-7, 9, 12 & 13 are used by the claim to mean "to provide a flashlight having a power indication function" (e.g., see page 1, lines 15-16), while the accepted meaning is "battery/power sensing plate." The term is indefinite because the specification does not clearly redefine the term. Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Note: Claims in a pending application should be given their broadest reasonable interpretation. *In re Pearson*, 181 USPQ 641 (CCPA 1974).

Things clearly shown in reference patent drawing qualify as prior art features, even though unexplained by the specification. *In re Mraz*, 173 USPQ 25 (CCPA 1972).

6. Claims **1-13** are rejected under 35 U.S.C. 102(b) as being anticipated by Tucholski (USPN 6,184,794).

Regarding claim **1**, Tucholski discloses a main body (e.g., 12) having an inside formed with a receiving space (e.g., column 4, lines 1-15; "... *an elongate tubular body or housing 12 ... body 12 contains a longitudinal battery retention chamber which is*

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dimensioned to accommodate one or more dry-cell batteries”), a power supply (e.g., column 4, lines 1-15; “... *one or more dry-cell batteries*”) mounted in the receiving space of the main body (e.g., 12); and a temperature sensing plate (e.g., 24) mounted on a periphery of the main body (e.g., Figures 1-2) and electrically connected to the power supply in a parallel manner (e.g., column 3, lines 5-15; “... *the battery tester includes in combination a conductor fixed to the exterior of the housing and having a first end operably coupled by a terminal to one pole of the battery and a second end in switching relationship to a second terminal operably coupled to an opposite pole of the battery*”).

Regarding claim 2, Tucholski discloses the temperature sensing plate (e.g., 24) has a *substantially* trapezoid shape (e.g., column 4, lines 55-65; “... *the area of controlled resistively can be of varying width, e.g., tapered, or of varying thickness to achieve the temperature gradient*”).

Regarding claim 3, Tucholski discloses the temperature sensing plate (e.g., 24) has a first end and second end having a width greater than that of the first end, so that the temperature sensing plate has a width gradually increased from the first end to the second thereof (e.g., column 4, lines 55-65; “... *the area of controlled resistively can be of varying width, e.g., tapered, or of varying thickness to achieve the temperature gradient*”).

Regarding claim 4, Tucholski discloses an indication portion mounted on the periphery of the main body and located beside the temperature sensing plate (e.g., column 5, lines 30-45; “... *testing means further comprises a means for indicating the capacity of the battery. The indicating means will be in responsive contact with the area*

of controlled resistively and will respond to and indicate a state that is present in that area”).

Regarding claim 5, Tucholski discloses the indication portion has a start point aligned with the first end of the temperature sensing plate (e.g., column 5, lines 30-45; “... *quantitative such as a remaining percentage of useful life*”).

Regarding claim 6, Tucholski discloses the temperature sensing plate (e.g., 24) co-operates with the indication portion, so as to exactly indicate the usable time that the residual electric power of the power supply can support (e.g., column 5, lines 30-45; “... *quantitative such as a remaining percentage of useful life*”).

Regarding claim 7, Tucholski discloses the temperature sensing plate (e.g., 24) is used to function as a power detection member of the power supply (e.g., column 5, lines 30-45; “... *indicating means will indicate the capacity of the battery to the consumer*”).

Regarding claim 8, Tucholski discloses an illumination device (e.g., 18) mounted on a first end of the main body (e.g., 14), and switch (e.g., 22 and/or 30, 130) mounted on the main body (e.g., 12) to control connection between the illumination device and the power supply (e.g., column 4, lines 5-20; “... *assembly 18 may be operably coupled to the batteries by a switch 22 such as a push button, slide or rotary type*”).

Regarding claim 9, Tucholski discloses the switch (e.g., 22 and/or 30, 130) is started to form a short circuit, so that the temperature of the temperature sensing plate is increased, and the temperature sensing plate is heated to produce color variation (e.g., column 8, lines 50-60; “... *Thermochromic ink 50, 150 then reacts and changes*”).

color in response to the localized heating and thus indicates to the user the remaining capacity of the battery within the flashlight").

Regarding claim 10, Tucholski discloses a first conductive plate mounted in the receiving space of the main body (e.g., 12), a cover (e.g., 20) mounted on a second end (e.g., 16) of the main body (e.g., 12) and having a side provided with a second conductive plate communicated with the receiving space of the main body (e.g., column 3, lines 5-15; "*... the battery tester includes in combination a conductor fixed to the exterior of the housing and having a first end operably coupled by a terminal to one pole of the battery and a second end in switching relationship to a second terminal operably coupled to an opposite pole of the battery*").

Regarding claim 11, Tucholski discloses the power supply has a positive side connected to the first conductive plate and a negative side connected to the second conductive plate (e.g., column 3, lines 5-15).

Regarding claim 12, Tucholski discloses the color of the temperature sensing plate (e.g., 24) is gradually changed from the shorter first end of the temperature sensing plate to the longer second end of the temperature sensing plate (e.g., column 4, lines 55-65; "*... the area of controlled resistivity can be of varying width, e.g., tapered, or of varying thickness to achieve the temperature gradient*").

Regarding claim 13, Tucholski discloses by the zone of the color variation of the temperature sensing plate, the electric power of the power supply can be detected, so that the user can identify magnitude of the electric power of the power supply (e.g., columns 5-6, lines 45-15 & column 8, lines 50-60; "*... Thermochromic ink 50, 150 then*

reacts and changes color in response to the localized heating and thus indicates to the user the remaining capacity of the battery within the flashlight").

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Woolfson (USPN 6,945,666) – illumination device with removable power pack

Osterhout et al. (USPN 4,876,632) – flashlight with battery life indicator module

Coffman (USPN 4,782,432) – multi-function light

Bohmer (USPN 5,105,156) – method and apparatus for indicating state of charge of a battery

Bohmer (USPN 5,130,658) – apparatus and method for indicating state of charge of a battery

Burroughs et al. (USPN 4,962,347) – flashlight with battery tester

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob Y. Choi whose telephone number is (571) 272-2367. The examiner can normally be reached on Monday-Friday (10:00-7:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jong-Suk (James) Lee can be reached on (571) 272-7044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jacob Y Choi
Examiner
Art Unit 2885

A handwritten signature in black ink, appearing to read 'Jacob Y Choi', with a large, stylized initial 'J' and a long, sweeping horizontal stroke at the end.

JC